

Remarks

SUMMARY

All pending claims 21 - 25, 28 - 30, 34 - 37, 41, 43-45 and 48 have been rejected. Various claims have been amended as shown. Support for the amendments can be found in at least paragraph [0102] of the published application. Claim 22 has been canceled. New claims 49-51 have been added. Therefore upon entry of the amendment, claims 21, 23 - 25, 28 - 30, 34 - 37, 41, 43-45, 48, and 49-51 are pending. Reconsideration of the application in light of the below remarks is respectfully requested.

CLAIM OBJECTIONS

In the subject Office Action, the Examiner objected to claim 21, requesting that the Applicant clarify the limitation of “the interface unit at each respective customer location corresponding to the receiver/decoder that received/decoded the one or more multiplexed channel signals and that output the video channels.” The Office Action noted that “the examiner assumes that if the respective location relates to a service module it corresponds to receivers/decoders.” As can be seen in FIG. 1, a single service module 40 may be associated with a plurality of customer interface boxes (CIB)14. Applicants respectfully submit that when a CIB (at a location) relates to a service module, it corresponds to a respective receiver/decoder in the service module. Applicants direct the Examiner to user control circuit(s) 42 of Figure 4 which are similarly configured to user control circuit(s) 156 of Figure 7, the embodiment of which claim 21 pertains to. Service module 40 includes a plurality of user control circuits 42, where each user control circuit 42 includes a

receiver/decoder 54. As each user control circuit 42 corresponds to an individual CIB 14, it also follows that each receiver/decoder 54 also corresponds to an individual CIB 14 in the plurality. Please see paragraph [0051] in the Applicants' specification which provides further detail.

Applicants respectfully submit that "the interface unit at each respective customer location corresponding to the receiver/decoder that received/decoded the one or more multiplexed channel signals and that output the video channels," is clear in light of the Figures and the support in the Specification, and needs no amendment. Accordingly, Applicants respectfully requests the withdrawal of the objection to claim 21.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 21, 22, 24, 28-30, 34, 35, 41, and 43 stand rejected under 35 U.S.C. § 103 (a) over various combinations of US Patent No. 5,905,942 to Stoel et al ("Stoel"), US Patent No. 5,905,942 to Kitamura et al. ("Kitamura"), U.S. Patent No. 6,378,130 to Adams ("Adams"), US Patent No. 6,486,907 to Farber et al. ("Farber"), and US Publication No. 2005/0114906 to Hoarty et al. ("Hoarty"). In particular, claims 21, 22, 24, 28 – 30, 34, 35, and 41 – 43 were rejected over Stoel in view of Kitamura and Adams. Claims 23 and 37 were rejected over Stoel in view of Kitamura and Adams and further in view of Farber. Claims 25, 36, and 44 – 47 were rejected over Stoel in view of Kitamura and Adams and further in view of Hoarty. Finally, claim 48 was rejected over Stoel in view of Kitamura and Adams and further in view of Granger. Applicants respectfully traverse the rejections.

In the Office Action, the Examiner cited the combination of Stoel and Kitamura for teaching each and every limitation of claim 21 except for disclosing providing the video

channels to “an output interface multiplexer in the service module, the output interface multiplexer configured to provide a same combined signal to each of a plurality of interface units located at each of a plurality of different customer locations.” The Examiner cited Adams for curing the deficiencies of Stoel and Kitamura, and stated it would have been obvious for one of ordinary skill in the art to modify the combination further by providing the video channels to a multiplexer (combiner 100) as taught in Adams “in order to allow a user to select any program provided by any server.” Office Action mailed 12-09-08, item 3. In response, the After Final response filed January 22, 2009, argued that such a modification to the references would not make sense and at the very least would change the principle of operation and/or render Stoel and/or Kitamura inoperable for their intended purpose. In response, the Advisory Action mailed February 18, 2010 restated which components of the claim that the Final Office alleged were taught by each of Kitamura, Stoel, and Adams. However, no logical response to the argument that there is no suggestion to combine was given. Despite Applicants continued disagreement with the Examiner’s implicit position (that there is motivation to combine) and without conceding on the issue, Applicants have amended claim 21 in order to further expedite prosecution.

Thus, claim 21 has been amended in pertinent part to recite,

wherein the same combined signal includes at least a first selected video channel modulated onto a first user channel on a first frequency band corresponding to a first user interface unit, the same combined signal further including a second selected video channel modulated onto a second user channel on a second frequency band corresponding to a second user interface unit.

Applicants respectfully submit that neither Stoel, Kitamura nor Adams teaches or suggests the above recitation. Please see paragraph [0102] for support for the amendment. In the Office Action, the Examiner alleged that Adams taught “an output interface multiplexer in the service module, the output interface multiplexer configured to provide a same combined signal to each of a plurality of interface units located at each of a plurality of different customer locations.” Applicants note that whether or not Adams teaches the above recitation, Adams teaches the alleged “same combined signal” includes a number of combined frequencies allocated for the media servers to provide programming for the subscriber terminals. In order to view the desired programming any subscriber terminal must tune to a desired frequency associated with the source media servers providing the presently requested stream/programming (Adams, Col. 11, lines 7-12). There is no teaching of “wherein the same combined signal includes at least a first selected video channel modulated onto a first user channel on a first frequency band corresponding to a first user interface unit, the same combined signal further including a second selected video channel modulated onto a second user channel on a second frequency band corresponding to a second user interface unit.”

Applicants further note that a modification to Stoel and Kitamura to include the above recitation would render the reference unsatisfactory or inoperable for its intended purpose. In Stoel, interdiction field unit 28 selectively interdicts or jams certain of the channels being delivered to subscriber unit 16 in order to provide each subscriber unit with selected programming, etc. The selected programming is delivered from interdiction field unit 28 to the subscriber over home-run distribution cables 30A-30D. The Examiner cites interdiction field unit 28 as illustrated in FIG.1 of Stoel as corresponding to the claimed service module.

The proposed modification, thus would require the interdiction field unit 28 to include the “output interface multiplexer configured to provide a same combined signal to each of a plurality of interface units located at each of a plurality of different customer locations.” Such a modification would require that interdiction field unit 28 abandon its function of selectively jamming or interdicting signals in order to provide each subscriber unit with selected channels. Rather than providing the subscriber units with a desired signal and a plurality of jammed signals, the proposed modification would completely change the principle of operation in Stoel by requiring the interdiction field unit 28 to provide “a same combined signal” to each subscriber unit. Stoel would be rendered inoperable because each subscriber unit would receive the same signal, whether or not requested.

Furthermore, the proposed modification would also change the principle of operation of Kitamura, which the Examiner cites for teaching various recitations of the claim, such as “one or more receiver/decoders within each service module configured to receive ..the one or more multiplexed channel signals...further configured to provide the video channels to interface units located at different customer locations..” (Office Action, page 5).

On page 5 of the Office Action, the Examiner has cited the regional common-use block 104 of Kitamura as corresponding to the claimed service module. The proposed modification would change the principle of operation in Kitamura because the configuration of switching circuits 110 and multiplexed signals are converted and separated **prior** to being transmitted to specific subscribers 1 – M. The reason for such a configuration includes the fact that three RF modulators (A,B,C) 112 are provided for each subscriber, which modulate output of converter 107 connected thereto by a switching circuit 110. The RF modulated

signals 120 from the RF-modulators is mixed with a free-charge broadcast 106 and a telephone signal 119 by a mixer 113. Kitamura, col. 10, lines 24-29.

The Advisory Action cited the different television sets of a single subscriber in Kitamura as corresponding to “a plurality of interface units located at each of a plurality of different customer locations.” Thus, the Advisory Action appeared to acknowledge that in combination, Kitamura would not provide a “same combined signal” to each of the different subscribers 1-M. Rather, the Advisory Action alleged that different television sets at a single subscriber location reads on the claimed “a plurality of different customer locations.” As noted above and can be seen from FIG. 3, the purpose of regional common-use block 104 is to convert and separate the signals for each subscriber. Applicants are unsure where and in what capacity the output interface multiplexer of Adams would function in the regional common use block 104 of Kitamura. In its present configuration, the alleged “same combined signal” 116 is already provided to the single subscriber.

For at least the above reasons, there is no motivation to combine the references under M.P.E.P. § 2143.03. Independent claim 34 includes similar elements as independent claim 21, and is allowable for analogous reasons. Accordingly, Applicants request that the instant §103(a) rejections of claims 21 and 34 be withdrawn. In addition, claims 21 – 25, 28 – 30, 34 – 37, 41, 43-45 and 48 depend from one of claims 21 or 34. Thus, based on this dependency and also based on the recitations contained therein, claims 21 – 25, 28 – 30, 34 – 37, 41, 43-45 and 48 are also patentable over the references under 35 USC § 103(a), whether singly or in combination.

CONCLUSION

Applicants submit that all pending claims are in a condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 622-1711. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge the Deposit Account of Schwabe, Williamson and Wyatt, P.C., No. 50-0393.

Respectfully submitted,
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